



Connecticut Construction Industries Association, Inc.

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House Bill 7035, An Act Concerning Ergonomics and Workplace Safety
Labor and Employment Committee
February 27, 2007

CCIA Position: Opposed

Submitted by: Matthew Hallisey, Director of Government Relations and Legislative Counsel

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of approximately 400 members, including contractors, subcontractors, suppliers and affiliated organizations representing all aspects of the construction industry.

CCIA is **opposed** to House Bill 7035 because it would impose a costly new mandate on employers in the state and inhibit growth and the creation of jobs. Also, the bill would be difficult to enforce without any standards for compliance.

House Bill 7035 would amend the law requiring certain employers to establish health and safety committees. It would require an employer with more than 100 employees in the state to review and analyze its records to determine whether there is a pattern of ergonomic-related injuries or illnesses in certain jobs; review and analyze jobs to identify potential ergonomic problems and determine if certain tasks present risks that may contribute to musculoskeletal disorders; seek employee input about the existence of ergonomic problems related to particular jobs; and develop a written ergonomics policy.

HB 7035 would impose a significant cost on many employers in the state. The federal Occupational Safety and Health Administration (OSHA) estimated that compliance with its 2001 federal standard would have cost employers a total of \$4.2 billion *annually*. OSHA's estimate was low when compared to other industry groups' estimates of \$18 billion or up to \$125 billion a year. Washington State had an ergonomics program, which was later rescinded, primarily due to its expensive compliance price tag, an estimated \$725 million in the first year.

The development of the written policy is just one economic aspect of HB 7035. The cost also needs to account for the bill's mandate to evaluate the extent and cause of any work-related ergonomics problems, make improvements in job design or other causative factors, and provide ergonomics training to employees. The cost and expense for current employers in Connecticut would be astronomical and would certainly hinder economic growth and development when prospective employers face the cost of ergonomics compliance here but not in neighboring states.



HB 7035 would be difficult to enforce. Compliance with Connecticut's Safety and Health Committee statute, Conn. Gen. Stat. §31-40v, is considered voluntary because there are no penalties for noncompliance. If a covered organization does not have a safety and health committee, the organization is ineligible to have an approved workers' compensation preferred provider organizer (PPO) medical care plan, and the organization may be ineligible to self-insure for workers' compensation. Since an employer, through the safety and health committee, would implement HB 7035, the issue of requiring and enforcing written ergonomic policies should be addressed.

There are no state or federal standards for an ergonomics policy to be tied to. Several years ago, OSHA promulgated wide-reaching ergonomic standards that were later rescinded. OSHA later adopted voluntary ergonomics standards for only several industries. In the absence of federal ergonomic standards, Connecticut regulators would be responsible for promulgating their own standards. The cost and time associated with a state-initiated effort would require a long-term investment of state personnel and money that would only further burden Connecticut's budget.